

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 13-15 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-15 are now pending in this application.

**Priority**

Applicant notes that the Office has not acknowledged Applicant's claim for foreign priority and receipt of a copy of a certified copy from the International Bureau. Applicant respectfully requests that the Office acknowledge Applicant's claim for foreign priority and receipt of a copy of the certified copy with the next Office correspondence.

**Information Disclosure Statement**

Applicant wishes to thank the Office for providing a copy of the PTO/SB08 form provided with the Information Disclosure Statement filed on May 3, 2006. However, the Office did not initial the references listed on the PTO/SB08 form and did not sign and date the PTO/SB08 form. Applicant respectfully requests that the Office provide a signed and initialed copy of the PTO/SB08 form with the next Office correspondence.

**Objection to the Specification**

The specification is objected to because the abstract is not on a separate page. A new abstract is hereby submitted on a separate page. Withdrawal of this objection is respectfully requested.

### **Claim Objections**

Claims 3, 5, 8, and 10 are objected to for containing informalities. The claims have been amended to overcome these objections. Withdrawal of these objections is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

#### **Claims 1, 9, and 10**

Claims 1, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,472,769 (hereafter “Goerz, Jr. et al.”) in view of U.S. Patent No. 7,235,285 (hereafter “Nomura”). This rejection is respectfully traversed.

Claim 1 recites a stab-resistant insert for protective textile, said insert comprising at least one metal layer of a fabric with metal cords or metal wires, and at least one textile layer, said textile layer being in contact with and being connected to said metal layer, wherein said textile layer comprises a non-woven material.

Goerz, Jr. et al. discloses a garment that includes a fabric 10 with knitted fibers made of aramid. See Goerz, Jr. et al. at col. 3, lines 44-52. The garment can further include a fine wire mesh 30. See Goerz, Jr. et al. at col. 4, lines 49-52. As noted on page 3 of the Office Action, Goerz, Jr. et al. does not disclose or suggest a textile layer that comprises a non-woven material. Nomura discloses non-woven fabrics for high performance textiles, such as ballistic materials. See Nomura at col. 1, lines 15-23.

The Office asserts that the wire mesh 30 of Goerz, Jr. et al. would be connected to the fabric 10. However, Goerz, Jr. et al. does not disclose or suggest that the wire mesh 30 and the fabric 10 would be connected to one another. It appears that the wire mesh 30 and fabric 10 of Goerz, Jr. et al. would merely be in contact with one another without any connection. Such contact without connection would permit lateral movement between the wire mesh 30 and fabric 10. As discussed on page 3, lines 1-2, of the present specification, connecting a non-woven material to a metal layer provides stab resistance.

A basic requirement of a *prima facie* case of obviousness is that a prior art reference, or prior art references when combined, must teach or suggest all of the claim limitations. See M.P.E.P. §§ 2143, 2143.03. The combination of Goerz, Jr. et al. and Nomura fails to disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Therefore, it would not have been obvious to combine the teachings of Goerz, Jr. et al. and Nomura to provide the stab-resistant insert of claim 1. Nor would such a combination provide the advantages of the stab-resistant insert of claim 1.

Furthermore, it would not have been obvious to combine the teachings of Goerz, Jr. et al. and Nomura to provide a stab-resistant insert with a metal layer and a textile layer comprising a non-woven material, as recited in claim 1, because Goerz, Jr. et al. teaches against the use of a non-woven material. Goerz, Jr. et al. teaches that the knitted construction of fabric 10 provides frictional resistance to the passage of a pointed object through the fabric 10 because the knitted construction resists lateral displacement of individual fibers in response to the application of a pointed object. See Goerz, Jr. et al. at col. 2, lines 10-15. A proposed modification cannot render the prior art unsatisfactory for its intended purpose. See M.P.E.P. § 2143.01, Part V. Nor can a proposed modification change the principle of operation of a reference. See M.P.E.P. § 2143.01, Part VI. Goerz, Jr. et al. teaches against the use of a non-woven material, such as that disclosed by Nomura, because Goerz, Jr. et al. teaches that a knitted fabric construction provides resistance to passage of a pointed object through the fabric. Therefore, it would not have been obvious to combine the teachings of Goerz, Jr. et al. and Nomura because such a combination would render the modified fabric unsatisfactory for the intended purpose of puncture resistance, as taught by Goerz, Jr. et al., and would have changed the principle of how the fabric 10 resists penetration of a pointed object, as taught by Goerz, Jr. et al.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

Claims 2, 6, and 7

Claims 2, 6, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. et al. and Nomura as applied to claim 1, and further in view of U.S. Patent No. 6,581,212 (hereafter “Andresen”). This rejection is respectfully traversed. Andresen fails to remedy the deficiencies of Goerz, Jr. et al. and Nomura discussed above in regard to independent claim 1, from which claims 2, 6, and 7 depend because Andresen does not disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Withdrawal of this rejection is respectfully requested.

Claims 3-5

Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. et al., Nomura, and Andresen as applied to claim 1, and further in view of U.S. Patent No. 6,562,435 (hereafter “Brillhart, III et al.”). This rejection is respectfully traversed. Brillhart, III et al. fails to remedy the deficiencies of Goerz, Jr. et al., Nomura, and Andresen discussed above because Brillhart, III et al. does not disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Withdrawal of this rejection is respectfully requested.

Claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. et al., Nomura, and Andresen as applied to claim 1, and further in view of U.S. Patent No. 2,758,952 (hereafter “Toulmin, Jr.”). This rejection is respectfully traversed. Toulmin, Jr. fails to remedy the deficiencies of Goerz, Jr. et al., Nomura, and Andresen discussed above because Toulmin, Jr. does not disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Withdrawal of this rejection is respectfully requested.

**Claim 11**

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Goerz, Jr. et al. and Nomura as applied to claim 1, and further in view of U.S. Patent No. 5,724,670 (hereafter “Price”). This rejection is respectfully traversed. Price fails to remedy the deficiencies of Goerz, Jr. et al. and Nomura discussed above in regard to independent claim 1, from which claim 11 depends because Price does not disclose or suggest a textile layer comprising a non-woven material that is connected to a metal layer, as recited in claim 1. Withdrawal of this rejection is respectfully requested.

**Claim 12**

The Office has not provided a rejection of claim 12, nor has the Office otherwise addressed claim 12 in the Office Action. Applicant respectfully submits that the amendments submitted have been made to use claim language in accordance with U.S. practice. Applicant respectfully submits that a subsequent rejection of claim 12 would constitute a new ground of rejection because a previous rejection of claim 12 has not been set forth by the Office and Applicant’s amendments do not necessitate a new ground of rejection. Therefore, Applicant respectfully requests that any subsequent Office Action be made non-Final if any claim rejections are made.

**New Claims**

New claims 13-15 have been added. Claims 13-15 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

**Conclusion**

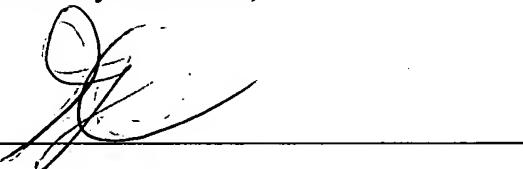
Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By



Glenn Law  
Attorney for Applicant  
Registration No. 34,371

Date 1/16/08

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399